

**AN ORDINANCE
BY COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA, TO EXECUTE A FIRST AMENDMENT TO THE 2007 GOVERNMENTAL AGREEMENT REGARDING THE ATLANTA ZOO TO INCREASE THE LEASEHOLD FOR THE PURPOSE OF EXPANDING ZOO OPERATIONS; AND AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH ATLANTA-FULTON COUNTY ZOO, INC. TO SET FORTH THE TERMS OF EXPANDING THE LEASEHOLD; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City") owns certain public buildings and facilities located on an approximately 36.42-acre parcel of land in Grant Park (the "Leasehold", more particularly described in Exhibit A attached hereto and incorporated herein by reference); and

WHEREAS, the City leases the Leasehold, including the improvements thereon, to the Fulton County Recreation Authority (the "Authority") for the purpose of operating a public zoo for amusement and educational purposes (the "Atlanta Zoo" or "Zoo"). The terms of the lease are set forth in a Governmental Agreement Regarding the Atlanta Zoo, dated June 1, 2007 (the "Governmental Agreement"), entered into by the City, the Authority, and Fulton County, Georgia; and

WHEREAS, the Zoo is operated by the Atlanta-Fulton County Zoo, Inc. ("Zoo Atlanta"), pursuant to an Operating Agreement for the Zoo, dated as of June 1, 2007, between the Authority and Zoo Atlanta; and

WHEREAS, Zoo Atlanta wishes to expand the Zoo's operations, and requires additional land to accomplish this purpose; and

WHEREAS, the City and the Authority propose to amend the Governmental Agreement ("First Amendment") to increase the Leasehold by adding the site of the City's Office of Parks Southeast Maintenance Facility ("Existing Facility"), consisting of approximately one acre adjoining the Zoo (the "Existing Facility Parcel"), to the Leasehold operated by Zoo Atlanta;

WHEREAS, the City and Zoo Atlanta propose to enter into a Memorandum of Understanding, (the "Memorandum of Understanding"), in which the City will agree to add the Existing Facility Parcel to the Leasehold, and the City and Zoo Atlanta will set forth the terms of adding the Existing Facility Parcel to the Leasehold; and

WHEREAS, one of the conditions of the Memorandum of Understanding is that Zoo Atlanta construct a new Office of Parks maintenance facility to replace the Existing Facility, at no cost to the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1. The Mayor, on behalf of the City, is hereby authorized to execute the First Amendment to the Governmental Agreement Regarding the Atlanta Zoo, dated June 1, 2007. The First Amendment shall be substantially similar to the document attached hereto as Exhibit B. The First Amendment shall include without limitation the increase of the Leasehold by approximately one acre through the addition of the parcel adjoining the Zoo that currently houses the Parks Southeast Maintenance Facility. The Existing Facility Parcel shall be utilized for Zoo operational purposes.

Section 2. The Mayor, on behalf of the City, is hereby authorized to execute a Memorandum of Understanding with the Atlanta-Fulton County Zoo, Inc. The Memorandum of Understanding shall be substantially similar to the document attached hereto as Exhibit C, and shall set forth the terms of the City's leasing the Existing Facility Parcel for use by Zoo Atlanta for Zoo operations. The Memorandum of Understanding shall include, without limitation, the requirement that Zoo Atlanta, at no cost to the City: (a) provide for the demolition of the Existing Facility, including removal of the existing building, parking areas and roadway currently on the Existing Facility Parcel; and (b) construct a replacement for the Existing Facility that shall be located on a five (5) acre portion of the of the Honor Farm property with road frontage on Constitution Road, and that shall contain approximately four thousand (4,000) square feet of usable space inclusive of a welding shop.

Section 3: There shall be no monetary impact upon the City arising from execution of the First Amendment or the Memorandum of Understanding.

Section 4: The City Attorney or his designee is hereby directed to prepare or have prepared the First Amendment and the Memorandum of Understanding for execution by the Mayor, to be approved as to form by the City Attorney or his designee.

Section 5: The First Amendment shall not become binding on the City, and the City shall incur no liability upon the same until the First Amendment has been executed by the Mayor and attested to by the Municipal Clerk.

Section 6: The Memorandum of Understanding shall not become binding on the City, and the City shall incur no liability upon the same until the First Amendment has been executed by the Mayor and attested to by the Municipal Clerk, and the Memorandum of Understanding has been executed by the Mayor and attested to by the Municipal Clerk.

EXHIBIT "A"

Legal Description of current Leasehold

EXHIBIT "B"

Proposed First Amendment to Governmental Agreement
Regarding the Atlanta Zoo

EXHIBIT “C”

Proposed Memorandum of Understanding

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/ Human Resources Committee

Caption: AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA, TO EXECUTE A FIRST AMENDMENT TO THE 2007 GOVERNMENTAL AGREEMENT REGARDING THE ATLANTA ZOO TO INCREASE THE LEASEHOLD FOR THE PURPOSE OF EXPANDING ZOO OPERATIONS; AND AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH ATLANTA-FULTON COUNTY ZOO, INC. TO SET FORTH THE TERMS OF EXPANDING THE LEASEHOLD; AND FOR OTHER PURPOSES.

Council Meeting Date: December 7, 2009

Requesting Dept.: Department of Parks, Recreation and Cultural Affairs

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to execute the first amendment Agreement of the 2007 Governmental Agreement to increase the leasehold for the Atlanta Zoo, and to expand zoo operations. Also to enter into a MOU with the Atlanta-Fulton County Zoo, Inc. to set forth the terms of expanding the leasehold

2. Please provide background information regarding this legislation.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center:

5. Source of Funds:

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By:

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Debra F. Harris

Contact Number: (404) 817-6795

Originating Department: Department of Parks, Recreation and Cultural Affairs

Committee(s) of Purview: Community Development/ Human Resources Committee

Chief of Staff Deadline: October 27, 2009

Anticipated Committee Meeting Date(s): December 1, 2009

Anticipated Full Council Date: December 7, 2009

Legislative Counsel's Signature: Robin Shahar

Commissioner Signature: 

Chief Procurement Officer Signature: _____

CAPTION

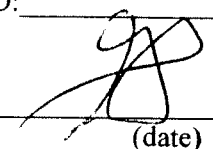
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Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: 10.28.09
(date)

Reviewed by: 
(date)

Submitted to Council: _____